

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ON SEMICONDUCTOR CORP. and
SEMICONDUCTOR COMPONENTS
INDUSTRIES, L.L.C.,

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG TELECOMMUNICATIONS
AMERICA GENERAL, L.L.C.,
SAMSUNG SEMICONDUCTOR, INC., and
SAMSUNG AUSTIN SEMICONDUCTOR L.L.C.,

Defendants.

C.A. No. 07-449 (JJF)

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG TELECOMMUNICATIONS
AMERICA GENERAL, L.L.C.,
SAMSUNG SEMICONDUCTOR, INC., and
SAMSUNG AUSTIN SEMICONDUCTOR L.L.C.,

Plaintiffs,

v.

ON SEMICONDUCTOR CORP. and
SEMICONDUCTOR COMPONENTS
INDUSTRIES, L.L.C.,

Defendants.

C.A. No. 06-720 (JJF)

**ON SEMICONDUCTOR'S REPLY BRIEF IN SUPPORT OF ITS
MOTION TO COMPEL DAMAGES DISCOVERY**

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September 5, 2008

1. In its answering brief, Samsung argues that ON Semiconductor's motion to compel damages discovery is moot on the basis that Samsung has produced the documents sought in ON Semiconductor's motion.

2. What Samsung fails to mention, however, is that it produced many of the documents on these topics four (4) days after the August 29 close of fact discovery, and ON Semiconductor received these documents only two days ago – after Samsung filed its answering brief to ON Semiconductor's motion to compel.

3. Samsung's delay in making its production is wholly unjustified. The documents sought in ON Semiconductor's motion to compel were requested months ago in written discovery and were the subject of numerous subsequent written requests by ON Semiconductor to Samsung, and also meet and confer discussions between the parties. ON Semiconductor objects to the production of these documents beyond the discovery period, and only a short time before its deposition of Samsung's witness on damages.

4. Further, given this late production, as of the time of filing this brief ON Semiconductor has not yet had any meaningful opportunity to determine the sufficiency of Samsung's production. It thus remains to be seen whether Samsung has produced the requested license agreements and financial information sought in ON Semiconductor's motion, information highly relevant to a damages analysis in this case.

5. In addition, as stated, ON Semiconductor also has not yet taken the Rule 30(b)(6) deposition of Samsung's sole corporate representative on all damages issues, whom Samsung offered to produce in the United States only on September 10, 2008, twelve days after the close of fact discovery (thus necessitating an extension of the deadlines for expert reports on

damages). That witness's testimony may also be telling as to whether Samsung has in fact produced all of the highly relevant information sought in ON Semiconductor's motion.

6. Accordingly, ON Semiconductor will review the documents produced by Samsung and advise the Court in advance of the September 12, 2008 motion hearing if any portion of its motion is mooted by Samsung's belated production. ON Semiconductor reserves the right to address any remaining open issues at that scheduled hearing.

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September 5, 2008

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on September 5, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

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I also certify that copies were caused to be served on September 5, 2008 upon the following in the manner indicated:

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